S. HRG. 100-583

NOMINATIONS OF FRANK ERNEST SCHWELB AND CHERYL MARIE LONG

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

NOMINATIONS OF FRANK ERNEST SCHWELB TO BE ASSOCIATE JUDGE, DISTRICT OF COLUMBIA COURT OF APPEALS, AND CHERYL MARIE LONG TO BE ASSOCIATE JUDGE, DISTRICT OF COLUMBIA SUPERIOR COURT

FEBRUARY 26, 1988

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NOMINATIONS OF FRANK ERNEST SCHWELB AND CHERYL MARIE LONG

FRIDAY, FEBRUARY 26, 1988

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:15 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Jim Sasser, presiding.

Present: Senator Sasser.

OPENING STATEMENT OF SENATOR SASSER

Senator SASSER. The Committee will come to order.

Today it gives me great pleasure to welcome the Honorable Frank Ernest Schwelb, who is Associate Justice of the Superior Court of the District of Columbia, and Ms. Cheryl Long, who is the Director of the Public Defender Service, also for the District of Columbia.

On November 10, 1987 President Reagan nominated Judge Schwelb for the post of Associate Judge of the Court of Appeals of the District of Columbia to serve for a term of 15 years. On that same day, President Reagan nominated Ms. Long to assume a seat on the Superior Court of the District of Columbia.

Ms. Long was nominated also for a 15-year term. So the business of this Committee today is to facilitate Ms. Long's transition to the trial bench, and that of Judge Schwelb to the appellate panel.

During the intervening weeks since these nominations, the staff of the Committee on Governmental Affairs has been working with both of the nominees, who have been very cooperative in providing the necessary information, and I want to take this opportunity to thank Judge Schwelb and Ms. Long on behalf of the members of the Committee and also the staff.

These nominations, I would say this morning, have been subject to a very careful review as prescribed under Rule 8, which this Committee adopted in 1978. It sets forth the requirements which must be met on all confirmations that are assigned to this Committee for review.

Rule 8 requires that the Committee conduct an inquiry into the nominee's experience, into his or her qualifications, into their suitability, and equally as important, into their integrity to serve in the position for which the President has nominated them.

The Committee feels that this rule ensures a thorough yet reasonable review of the nominee's background and qualifications. For

the benefit of the record and interested parties, let me summarize briefly the procedure which the Committee has followed in evaluating the two nominees that will appear before us this morning.

First, the nominees were asked for and supplied detailed information about their education, appointments and professional achievements, as well as complete financial statements. Financial statements and biographical information are available for inspection by any interested party in the public in the offices of the Governmental Affairs Committee.

I am also placing the biographical information pertaining to the nominees in the record as a part of these hearings this morning. The Committee has reviewed each nominee's biographical and financial information. An FBI report is also being submitted for the Committee's consideration.

Finally, the nominees were individually interviewed by designated Committee staff members, who submitted their report to the members of the Committee containing all relevant information pertaining to qualifications for the positions to which these nominations pertain.

I now regret to tell you, Judge Schwelb, and Ms. Long, that there is presently taking place on the floor of the Senate a cloture vote on the question of whether debate should be limited on the Campaign Reform Finance Bill, which has been a bill subject to some controversy, I think, as those of you know who have been reading in the papers over the past few days.

So I'm going to have to necessarily temporarily adjourn the Committee in order for me to go vote, and I will return just as quickly as I can and we will begin then with Judge Schwelb and follow him with Ms. Long and try to wrap up the hearings just as expeditiously as possible.

So the Committee will adjourn temporarily subject to the call of the chair.

[Brief recess.]

Senator SASSER. The Committee will come to order.

Judge Schwelb, would you please come forward. Kindly raise your right hand, Judge. We are required under the rules of the Committee to put you under oath.

Do you solemnly swear that the testimony you are about to give in this hearing shall be the truth, the whole truth, and nothing but the truth so help you God?

Judge SCHWELB. I do.

TESTIMONY OF FRANK ERNEST SCHWELB, NOMINEE, TO BE ASSOCIATE JUDGE, DISTRICT OF COLUMBIA COURT OF APPEALS

Senator SASSER. Judge, I see that you are accompanied today by some friends. Would you like to introduce your guests here this morning to the Committee?

Judge SCHWELB. Yes, Senator. Thank you very much. First, my fiancee, Ms. Taffy Swandby, my law clerk, Ms. April Land, my mother, Dr. Caroline Schwelb, my former intern, Catherine Castellani, and her mother, Ms. Castellani.

Senator SASSER. Good. We would like to welcome these guests here this morning.

Judge Schwelb, let me just proceed with the standard questions that the Committee asks. Do you know of any reason, Judge Schwelb, personal or otherwise, which would in any way prevent you from fully and honorably discharging your responsibilities as a judge of the court to which you have been nominated by the President?

Judge SCHWELB. No, Senator Sasser, I do not.

Senator SASSER. Now, for the record, Judge Schwelb, in the event you are confirmed, is it your intention, as far as you can presently ascertain, to serve the full 15-year term of office?

Judge SCHWELB. Yes, sir, it is. I would like to be a judge for the rest of my life.

Senator SASSER. Have you ever been involved in civil litigation or administrative proceedings of any kind, as either plaintiff, defendant, respondent, witness or party in interest which is related directly or indirectly to the office for which you have been nominated?

Judge SCHWELB. No, sir. I disclosed in my papers what litigation I had been a party to, but none of it is of the kind that you have just described, Senator.

Senator SASSER. Have you or any member of your immediate family been involved in any controversy or litigation with the tax authorities of the Federal Government, the Government of the District of Columbia, or any state or local government?

Judge SCHWELB. No, sir.

Senator SASSER. Judge, is there anything else of which you are aware in your personal or professional background which would present any kind of conflict of interest with the duties of the position to which you have been nominated?

Judge SCHWELB. No, sir.

Senator SASSER. How would you propose to resolve any potential though presently unforeseeable conflict of interest, should a conflict of interest arise during your tenure as an associate justice?

Judge SCHWELB. Well, sir, I have had a good deal of experience with that kind of problem just by being a trial judge for a period of 8 years, and always, if there is any doubt at all, I would recuse myself.

If there were any situation that I didn't think there was any doubt but somebody else might, I would always disclose it to the parties. I have always done that in the past and I would continue to do that in the future.

Senator SASSER. Thank you, Judge. Let me ask you this morning, do you agree, without reservation, to respond to any reasonable summons to appear and testify before any duly constituted Committee of Congress if you are confirmed?

Judge SCHWELB. Yes, sir.

Senator SASSER. Now, Judge Schwelb, the Committee has received a copy of a letter dated September 28, 1987 to the Honorable Robert H. Tuttle, Director of Presidential Personnel, from one of this town's, and I might say the country's, best known attorneys, Mr. Leonard Garment.[1]

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[1] See p. 21.

In recommending you for the President's consideration, Mr. Garment has quite a few laudable comments to make regarding your legal background for the position to which you have been nominated.

That letter, together with the biographical information previously submitted, will be included in the record at this hearing, and I might say that was a very impressive letter.

Judge SCHWELB. I appreciate that very much, Senator. He is a very fine gentlemen.

Senator SASSER. Now, Judge, is there anything else that you would care to tell the Committee concerning your background, your education, your professional experience, what points in particular qualify you to be a member of the Superior Court of the District of Columbia?

Judge SCHWELB. Well, let me first say, Senator, that I appreciate your comments very, very much. I want to say that I am pleased and proud to be here to request the members of this Committee and of the Senate to confirm the President's nomination of me to the Court of Appeals.

I would like to express my appreciation to the President and to members of the District of Columbia Judicial Nomination Commission for selecting me for this great honor. Senator, I pledge that if confirmed I will do my best to justify the confidence which has been reposed in me. I will endeavor to be an industrious and fair and conscientious and responsible appellate judge.

I believe that I am well qualified for the position for which I have been nominated. I had an excellent academic record before I came to the Bar. I have had a wealth of litigation experience, first as an advocate and now as a judge. Prior to assuming the bench I spent 4 years in the litigation department of a major New York law firm, which is, by the way, where I know Mr. Garment from. He was my boss in the litigation department of that firm.

Subsequently, I served for 17 years with the Civil Rights Division of the Department of Justice as a litigator and as a supervisor of litigators. For approximately 10 of these years I was in charge of the Department's fair housing litigation program. I have handled or supervised hundreds of cases at the trial and appellate levels.

As the Committee knows, I think, in 1979 I was named to the Superior Court bench by President Carter. I have now served as a trial judge for more than 8 years. By the way, I am not sure of this, Senator, but I believe I may be the only judge who was nominated to one court by President Carter and one court by President Reagan.

Senator SASSER. That is an unusual occurrence, Judge.

Judge SCHWELB. There may be others, but I do not know of any others, Senator.

Senator SASSER. Well, I congratulate you on getting a nomination from both of those distinguished men.

Judge SCHWELB. I have tried many hundreds of civil, criminal, juvenile and domestic cases and I have written approximately 120 opinions, a number of which have been adopted or relied on by our Court of Appeals.

So far as I know, at least, Senator Sasser, my opinions have been well received and I believe that I owe my nomination in substantial

part to the fact that I am held in high esteem by my colleagues on the bench and by most of the attorneys who practice before me.

If confirmed, I am going to come to the appellate court with no ideological or other agenda, but I will attempt to apply the law fairly and impartially. As a trial judge, I have always tried to write my opinions in such a way that the ordinary reader can understand the legal and human problems which have been presented to the court. I will continue to do so as an appellate judge if I am given that opportunity.

I might say that one of the nicest things that I think has ever been said about me has been by my good friend and colleague, Judge Luke Moore of our present court who commented one time that he thought that I made the law come alive in my writing, and I will try to continue to do that.

If I may be permitted a personal comment, Senator, I want to state my regret very much that my father, who was a distinguished international human rights lawyer with the United Nations and who died in 1979, could not live to be here today. I hope you will not take it amiss if I say that I believe that he would have been very proud.

I might also say that my secretary was going to be here today and her daughter, unfortunately, was ill and was unable to come. She has been my secretary for many years and we are very close and I am sorry that she was unable to be here.

Beyond that, Senator, I think you have got a lot of material on me and I have discussed it with the members of the staff, and if you or anybody else would have any questions, I would be more than delighted to answer them.

Senator SASSER. Well, thank you very much, Judge. I'm sure that your father would be very proud if he could be here today and witness your elevation to this high court.

We are going to hold the record open until the close of business next Friday. During that period of time some members of the Committee may have additional questions which they would like to put to you, and they will do so in writing.

I would suggest, Judge, in the event those questions are forthcoming, that you respond in writing so that the questions and answers may be included in the record. Hopefully, then, we can proceed to act expeditiously and favorably on your nomination.

Judge Schwelb, let me thank you for appearing here this morning on behalf of myself and the other Committee members and our staff and we wish you good luck and I would anticipate there will be no problems with this confirmation.

Judge SCHWELB. Thank you very much, Senator. May I just add at the end that I would like to express my appreciation to you for your courtesy and to all the members of the staff of the Committee with whom I have met. They have all been extremely helpful and polite to me and encouraging and I appreciate that very much.

Senator SASSER. Thank you very much for appearing.

This morning I would like to call also Ms. Long to come forward. Ms. Long, pursuant to the rules of the Committee we want to put you under oath, also.

Do you solemnly swear that the testimony you are about to give in this hearing shall be the truth, the whole truth, and nothing but the truth so help you God?

Ms. LONG. I do.

TESTIMONY OF CHERYL MARIE LONG, NOMINEE, TO BE ASSOCIATE JUDGE, DISTRICT OF COLUMBIA SUPERIOR COURT

Senator SASSER. Ms. Long, the distinguished Representative in the House of Representatives from the District of Columbia, the Honorable Walter Fauntroy, wished to be here this morning.

It is my understanding that he has been delayed as a result of pending business in the House of Representatives. But I wanted to indicate to you that he had contacted the Committee and wished to come forward and make a statement in your behalf, and should his statement be forthcoming, it will be included in the record.[1]

I am going to proceed, Ms. Long, with the same standard questions that we ask all nominees.

Do you know of any reason, personal or otherwise, which would in any way prevent you from fully and honorably discharging your responsibilities as a judge of the court to which you have been nominated by the President?

Ms. LONG. I know of nothing of that nature.

Senator SASSER. Now, the next question will call for you to look into the future, and we will accept your best answer based on your present intentions. That question is, in the event you are confirmed, is it your intention, as far as you can presently ascertain, to serve the full 15-year term of office?

Ms. LONG. Yes, it is my intention.

Senator SASSER. Now, Ms. Long, have you ever been involved in civil litigation or administrative proceedings of any kind, as either plaintiff, defendant, respondent, witness or party in interest which is related directly or indirectly to the office for which you have been nominated?

Ms. LONG. No, sir.

Senator SASSER. Have you, or any member of your immediate family been involved in any controversy or litigation with the tax authorities of the Federal Government, the Government of the District of Columbia, or any state or local government?

Ms. LONG. No, sir.

Senator SASSER. Is there anything else of which you are aware in your personal or professional background which would present any kind of conflict of interest with the duties of the position to which you have been nominated?

Ms. LONG. No, sir, there is nothing of that nature.

Senator SASSER. How would you propose to resolve any potential though presently unforeseeable conflict of interest, should one arise during your tenure as an associate justice?

Ms. LONG. I believe very seriously that judges have an obligation not only to be fair but to always appear to be fair, because the appearance of propriety is just as real and just as substantial as actual propriety. You can see by my background as a prosecutor

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[1] See p. 40.

and also a public defender that I have always been in jobs in public service where I had to be absolutely scrupulous about any questions that people would have about my relationships professionally or my activities.

So, if there were ever any question raised while I'm on the bench about any sort of bias or any question of that nature at all, I would open the record completely to whatever anyone had to say and if there was any shadow of a doubt about my ability to be fair, I would certainly recuse myself or take appropriate steps to eliminate that perception.

Senator SASSER. Finally, do you agree, without reservation, to respond to any reasonable summons to appear and testify before any duly constituted Committee of Congress if you are confirmed to the court?

Ms. LONG. Yes, sir.

Senator SASSER. Ms. Long, I note from your biographical information that in addition to receiving virtually your entire education here in the District of Columbia, your career record is one of continuous service to this city. It would appear to have provided excellent preparation for your prospective judicial duties, both as a prosecutor and now as a top Public Defender for the District of Columbia.

I think it might be well, to flesh out the record here, if you were to share with the Committee something about your background, your education, your professional experience, and just what you feel that you would bring from that experience to your service as a member of the Superior Court of the District of Columbia.

Ms. LONG. Yes, sir. The Superior Court is a court of general jurisdiction and, as the Chair knows, it handles both criminal matters and civil matters. I think during my years of public service I have had as broad an opportunity as anyone could have to get exposure to all aspects of the court system.

When I started off after law school I had an opportunity to clerk for the Honorable Spotswood W. Robinson on the U.S. Court of Appeals for the District of Columbia Circuit, so I had ample opportunity to observe how judges operate, how careful they have to be, what their demeanor should be. And that court had a very broad range of issues, also.

In 1975 I was appointed to be a prosecutor in the U.S. Attorney's Office here and before I left that office in 1982, I served for 2½ years in the civil division of the U.S. Attorney's Office. That was extremely valuable to me because as you know the civil division of that office represents Federal agencies that are defendants in all types of civil suits.

So I handled Government contract cases, negligence cases of all kinds, Title 7 discrimination cases, judicial review of administrative matters, requests for injunctive relief; very similar to the kinds of nuts and bolts civil litigation issues that you find in Superior Court, so that was extremely valuable and it was a very good balance to the criminal law background.

Of course, at the Justice Department I handled both civil and criminal litigation in the Division of Land and Natural Resources. That was especially unique because all of my cases were outside the District of Columbia in various other Federal Districts and I

had an opportunity to practice before other Federal District Court judges and to observe the customs and practices of other legal communities as a comparison to Washington.

Of course, as Public Defender, I have been involved in all kinds of issues affecting the court system. I have worked closely on court committees, and also in the last few years I have had an opportunity to serve as a member of the Grievance Committee of the United States District Court where we investigate and prosecute violations of the Ethics Code in the District Court, much like the Office of Bar Counsel, so I have had that exposure to the Federal court system as well.

I think that background is varied. I have had an opportunity to do a lot of things that are going to be very helpful to me on Superior Court.

Senator SASSER. Well, good. That is an impressive biographical statement, Ms. Long.

I notice you are accompanied this morning by friends and perhaps members of your family. Would you like to introduce them to the Committee at this time?

Ms. LONG. I would like to. Thank you. I have with me this morning my mother, Ms. Laverne S. Long and my sister, Ms. Patricia Long Tucker. Absent today is my brother, Clarence M. Long III, who could not be here because of job responsibilities. And I also have with me Mr. Nathaniel Speights, who is the president of the Washington Bar Association and a very prominent practitioner here who has supported me throughout the nomination process. Also, a very close former colleague in the prosecutor's office, Ms. Mary Ellen Abrect, who is the Deputy Chief of the Appellate Division in the U.S. Attorney's Office.

Thank you.

Senator SASSER. Ms. Long, I think it should be noted for the record that the Committee received a number of letters commenting most favorably on your nomination. They include a letter dated October 1, 1987, to the Deputy Counsel to the President of the United States from David F. Grimaldi, the President of the Bar Association of the District of Columbia, and a letter to the President dated October 13, 1987 from Nathaniel H. Speights, President of the Washington Bar Association.

And additional letters in your behalf were sent to the President and will be included in the record as follows: A letter dated September 29, 1987 from John Vanderstar, a partner from the distinguished Washington law firm of Covington and Burlington; a letter dated October 5, 1987 from Mabel D. Haden, president of the National Association of Black Women Attorneys, Inc.; another letter of October 5, 1987, from Richard W. Goldman, of the Washington Office of the well-known Richmond law firm, Hunton & Williams; and a letter dated September 30, 1987 from M. Elizabeth Medaglia, partner of the Washington firm of Jackson & Campbell. [1]

Now, Ms. Long, we are going to hold the record open in your case also until close of business next Friday. During that period of time some members of the Committee may propound questions to you in

[1] The letters referred to may be found starting on p. 43.

writing. I would ask that you respond promptly in writing and these questions and answers will be part of the record of this hearing.

Ms. Long, following that I would presume and would hope that the Committee and the Senate as a whole would act expeditiously and favorably on your nomination.

Again, let me thank you for appearing here this morning and thank you for your cooperation during the course of the preparations leading up to this hearing.

Ms. LONG. Thank you very much. I would like to say that I appreciate the opportunity that has been afforded for me to be here today and I want to let you know that the staff has been very straightforward and pleasant to deal with and I appreciate that very much.

I would also say that Judge Schwelb and I have a common interest in always remembering our late fathers. My father passed away in 1978. He was pastor of the Mount Airy Baptist Church here in Washington. He was the Reverend Dr. C.M. Long, Jr., and he always supported me in everything I tried to do and encouraged me to be a lawyer, and I'm sorry he could not be here today but at least the rest of the family will remember that he would have looked forward to this.

Thank you.

Senator SASSER. Well, that's very good. It was a pleasure to have you before us today.

There being no other business to come before the Committee, the Committee will stand in recess subject to the call of the Chair.

[Whereupon, at 11:10 a.m., the Committee adjourned subject to the call of the Chair.]

APPENDIX

STATEMENT OF BIOGRAPHICAL AND FINANCIAL INFORMATION

A. BIOGRAPHICAL INFORMATION

1. **Name:** Frank Ernest Schwelb

2. **Position to which nominated:** Associate Judge, District of Columbia Court of Appeals.

3. **Date of nomination:** November 10, 1987.

4. **Address:** Residence: 3001 Veazey Terrace, N.W., Apt. 1613
   Washington, D.C. 20008
   Office: Superior Court of the District of Columbia
   500 Indiana Avenue, N.W., #2630
   Washington, D.C. 20008

5. **Date and place of birth:** June 24, 1932, Prague, Czechoslovakia

6. **Marital status:** Single.

7. **Name and ages of childen:** None.

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.

   Williston Academy, Easthampton, Mass., 1947-49
   Yale University, New Haven, Conn., 1949-53, B.A.
   Harvard Law School, Cambridge, Mass., 1953-55, 1957-58, LL.B.

9. **Employment record:** List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.

North Hills Golf Club	Douglaston, N.Y.	Bar Boy	Summer of 1954 (a few weeks)
Reuben Donnelley Corp.	466 Lexington Ave. New York, N.Y.	Clerk	Summer of 1954 (a few weeks)
U.S. Army	Fort Dix, N.J.; Fort Sam Houston, Tex.; Fort Polk, La.; Fort Sill, Okla.	Soldier (promoted to SP-3, E-4)	March 1955-January 1957

Mudge, Stern, Baldwin & Todd (now Mudge, Rose, Guthrie & Alexander	20 Broad Street New York, N.Y.	Law Clerk Attorney	Summer of 1957 1958-62
Civil Rights Division U.S. Department of Justice	Washington, D.C. 20530	Attorney and Supervisory Attorney	1962-79
Superior Court of the District of Columbia	Washington, D.C. 20001	Associate Judge	1979-Present

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State or local governments, other than those listed above.

None.

11. **Business relationships:** List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm partnership, or other business enterprise, educational or other institution.

None.

12. **Memberships:** List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

World Peace Through Law Center
World Association of Judges
Czechoslovak Society of Arts & Sciences
N.A.A.C.P. (in college)
American Civil Liberties Union (late 1950's and early 1960's)
Bar Associations in New York (1958-62), District of Columbia (current), American Bar Association and several ABA committees (current).

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more for the past 10 years.

None.

14. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

(a) Academic scholarships at Yale University and Harvard Law School.

(b) Phi Beta Kappa at Yale University.

(c) Good Conduct Medal in U.S. Army.

(d) Younger Federal Lawyer of the Year 1967 (Federal Bar Association award; selection by panel headed by Justice Byron White).

(e) Outstanding Performance Rating, Sustained Superior Performance Award, and other awards at Department of Justice.

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

(a) I have written approximately 120 published opinions as a Superior Court Judge. All of them have appeared in the Daily Washington Law Reporter.

(b) While sitting by designation on the District of Columbia Court of Appeals, I wrote the opinion in Winestock v. United States, 429 A.2d 519 (D.C. 1981) on behalf of a unanimous court.

(c) Before my appointment to the bench, I wrote the following:

(1) The Sit-In Demonstration: Criminal Trespass or Constitutional Right, 36 N.Y.U.L.Rev. 779 (April 1961).

(2) From Illusion to Reality: Relief in Civil Rights Cases, 48 Notre Dame Lawyer 49 (October 1972).

(3) Outline of Law Relating to Discrimination in Housing, Prentice Hall Equal Opportunity in Housing Reporter, p. 2351 (September 1977).

16. Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. Selection:

(a) Do you know why you were chosen for this nomination by the President?

I cannot speak for the President or for the Judicial Nomination Commission. I hope and believe that I was selected because of my record as an able, impartial, conscientious and now experienced trial judge during almost eight years on the Superior Court bench. In particular, I believe that the quality of my approximately 120 or so published opinions and my reputation for scholarship and for clear and graceful writing contributed to my selection. I also believe that my experience and qualifications, as well as my non-ideological and generally moderate approach to legal issues, made me acceptable both to the Judicial Nomination Commission and to the President. Finally, my demonstrated sensitivity to the rights of victims of crime, which was apparent from my opinions before the issue came to the forefront, may also have been helpful to me.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

In response to this question, I prefer to attach a copy of a letter written on my behalf by Leonard Garment, Esq. See Attachment A.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. **Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?**

   I have no such connections. Obviously, if confirmed, I will end my service on the Superior Court of the District of Columbia.

2. **Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.**

   No.

3. **Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?**

   No.

4. **Has anybody made a commitment to employ your services in any capacity after you leave government service?**

   No.

5. **If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?**

   Yes. I would like to be a judge for the rest of my life.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

None.

2. Indicate any investments, obligations, liabilities, or other relationships with could involve potential conflicts of interest in the position to which you have been nominated.

None.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

None.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

N/A. As a matter of principle, I would recuse myself in any case in which my participation would be improper or would have the appearance of impropriety. I am extremely sensitive to such matters.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

Yes, in the unlikely event that this could ever arise.

D. LEGAL MATTERS

1. **Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.**

   I have never been disciplined or cited for a breach of ethics or unprofessional conduct by anybody.
   During my nearly eight years on the bench, approximately three complaints have been made, to my knowledge, by disgruntled litigants to the Commission on Judicial Disabilities and Tenure. The Commission has never contacted me as to any of them, and I am satisfied that all were frivolous. One was by a father, a non-lawyer, who was upset because, in conformity with court rules, he was not permitted to represent his adult daughter in a small claims case. One was by an attorney who complained of dismissal of her client's case when attorney and client both failed to appear in court; the attorney claimed among other things that another judge and I were putting "profits" over the rights of women and children. One was by a woman who had brought several dozen suits in the Small Claims and Conciliation Branch after I ruled against her on one of the cases in an opinion which detailed her litigiousness. See Klein v. Melville Corp., 112 Daily Wash.L.Rep. 1233 (Super.Ct. D.C. 1984). I have no objection to the disclosure of these complaints to representatives of the United States Senate.

2. **Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.**

   No.

3. **Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.**

   Yes. (a) In 1978, I was among a substantial number of tenants of 101 G Street, S.W., Washington, D.C. who withheld their rent as a result of a serious deterioration of maintenance by the landlord, Interstate General Corp. My attached Answers to Interrogatories (Attachment B) describe the nature of the problems.*/ Like other

---

*/ I have not included the exhibits to the Answers to the Interrogatories, but they are of course available if required.

tenants, I paid my rent checks into an escrow account and later, I believe, into the registry of the court. The case went to jury trial before Hon. George Revercomb, then of the Superior Court of the District of Columbia. The tenants prevailed in part. See Interstate General Corp. v. Columb, et al., L&T No. L83866 (consolidated cases).

(b) Some time in the late 1960's or early 1970's, I sued a dry cleaner, who had lost my overcoat, in the Small Claims and Conciliation Branch of the Superior Court. The case was favorably settled for about $100.00 or perhaps less. I am unable to locate pertinent records.

4. **Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?**

No.

5. **Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.**

The F.B.I. has conducted thorough background investigations of me in connection with my appointment to the Department of Justice in 1962, to the Superior Court in 1979, and to the District of Columbia Court of Appeals in 1987. So far as I know, all of the material in my FBI file is favorable. I believe that I am held in high esteem by all or almost all of my colleagues on the Superior Court, my prospective future colleagues on the Court of Appeals, my colleagues at the Department of Justice, and most of the attorneys and litigants who have appeared before me.

SUPPLEMENT FOR D.C. JUDGE NOMINEES

F. QUESTIONS CONCERNING STATUTORY QUALIFICATIONS PURSUANT TO DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970, SEC. 11-1501(b) OF THE D.C. CODE AS AMENDED

1. Are you a citizen of the United States?

Yes.

2. Are you a member of the bar of the District of Columbia?

Yes.

3. Have you been a member of the District of Columbia bar for at least 5 years? (Give year in which you became a member.)

Yes.

4. If the answer to No. 3 is "No"--
   (a) Are you a professor of law in a law school in the District of Columbia?
   (b) Are you an attorney employed in the District of Columbia by the United States or the District of Columbia?
   (c) Have you been eligible for membership in the bar of the District of Columbia for at least 5 years?
   (d) Upon what grounds is that eligibility based?

N/A.

5. Are you a bona fide resident of the District of Columbia?

Yes.

6. Please state the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last 5 years.

3001 Veazey Terrace, N.W., Apt. 1613
Washington, D.C. 20008

7. Have you maintained an actual place of abode in such area for at least 5 years?

Yes.

8. **Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nomination Commission?**

No.

9. **Have you been a member of either Commission within the last 12 months?**

No.

AFFIDAVIT

Frank E. Schwelb being duly sworn, hereby states that he has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his knowledge, current, accurate and complete.

Frank E. Schwelb

Subscribed and sworn before me this
30th day of November, 1987.

Jeanette Long
Notary Public

LEONARD GARMENT
2101 L STREET, N.W.
WASHINGTON D.C. 20037

September 28, 1987

Dear Bob:

I am happy to write to you on behalf of my old friend Judge Frank E. Schwelb of the Superior Court of the District of Columbia, whose name has been submitted to the President by the District of Columbia Judicial Nominations Commission for consideration for a vacancy on the District of Columbia Court of Appeals. Frank is an able, literate and thoughtful trial judge who would be an outstanding addition to the appellate court and would carry out his duties in a mature and responsible manner.

I have known Frank Schwelb since 1958, when he began his legal career in New York as an associate with Mudge, Rose, Guthrie and Alexander (then known as Mudge, Stern, Baldwin and Todd). He worked for me in the Litigation Department of that firm, and I continued to follow his career after he left New York to join the Department of Justice. I enthusiastically supported Frank when he successfully sought appointment to the Superior Court in 1979. Since that time, I have observed him on the bench, read some of his opinions, and discussed legal and other matters with him. He is a man I know well.

In my opinion, Frank's qualifications for an appellate judgeship are exceptional. He is widely recognized in the legal community as a scholar and writer of the first rank. I am sure that if you read some of his opinions, you will agree with me that they are carefully researched and crafted and that he writes with clarity, grace and wit. His superior performance on the bench has been consistent with the promise he showed as a student (he had an outstanding academic record at Yale College and Harvard Law School), at the Mudge firm, and at the Department of Justice (where he was selected as the Federal Bar Association's Younger Federal Lawyer of the Year 1967 by a panel headed by Justice White). I am satisfied that Frank is held in the highest regard by the judges of the Superior Court and by the lawyers who practice there.

Of the three candidates for the appellate court vacancy from whom the President must choose his nominee, Frank is the only one with prior judicial experience. He has been

on the Superior Court bench for almost eight years. He has presided over many hundreds of cases in all three of the Superior Court's major Divisions -- Civil, Criminal and Family. If promoted to the appellate court, Frank will be well grounded in every kind of controversy which is likely to come before him. Other things being equal, I think it is useful to select appellate judges from the trial bench, for trial judges are able to bring a perspective based on personal experience to the task of deciding appeals from trial court proceedings. A majority of the present members of the District of Columbia Court of Appeals have never been members of a trial court.

While on the Superior Court bench, Frank has authored approximately 120 published opinions -- surely a record for an overworked urban trial court. They are known in the legal community for their quality even more than for their number, and he has been described in the press as the "judge laureate" of the Superior Court. Frank, therefore, has an extraordinary base of experience in the writing of opinions as well as in trying cases. He has also sat by designation on the appellate court and was the author of a unanimous opinion for a three-judge panel in an important criminal appeal. Prior to becoming a judge, he had considerable experience as an appellate advocate. Under these circumstances, his credentials for appointment at this time are exceptional.

I would also like to address the question of Frank's judicial philosophy. Like most candidates for judicial appointment whose names reach the White House from the District of Columbia Judicial Nomination Commission, Frank is a registered Democrat. He served for 17 years in the Civil Rights Division of the Department of Justice and was named to the Superior Court by President Carter. Knowing Frank well, having seen him in action, and having read some of his opinions, I am satisfied that his general approach to the task of judging is non-ideological and compatible with the goals of this Administration. He does not regard it as the function of a judge to legislate social policy or to decide cases on the basis of his personal preferences. He recently expressed himself forcefully in United States v. Rogers, 115 Daily Wash.L. Rep. 221 (Super. Ct. D.C. 1986) against attempts by judges or prosecutors to circumvent the mandatory minimum sentencing laws because of philosophical

disagreement with them. Frank's opinions demonstrate a commitment to equal justice under the law, with appropriate deference to legislative determinations and judicial precedent.

I am sure that, in evaluating Frank's qualifications, you will want to examine a cross-section of his opinions for a full sense of the man. There are, however, some specific aspects of his judicial record which I would especially like to bring to your attention.

Frank has written several opinions which question the mechanical application of the Fourth Amendment exclusionary rule in cases in which the loss of probative evidence would be disproportionate to any deterrence of unlawful police conduct. In 1981, he suggested the adoption of a "good faith" exception to the exclusionary rule well before the Supreme Court took this step. He has commented in one published opinion on how odd it must seem to the layman that in so many criminal cases the police officer's conduct is put on trial first in the context of a motion to suppress, before the Court even reaches the question of the guilt or innocence of the defendant. I believe that Frank's approach to Fourth Amendment questions, as well as to other issues, is to attempt to balance the interests to be served and to avoid kneejerk ideological reactions of any kind.

Frank has also been sensitive to the rights of victims of crime, who were until recently the forgotten people in the criminal process. Specifically, he sustained their right to be heard at sentencing when the issue was very much in doubt. He has also construed statutory provisions for victim restitution broadly in accordance with the legislative intent, holding that a sentencing judge may require a convicted defendant to compensate his victim not only for out-of-pocket expenses, but also for unliquidated losses, such as pain and suffering. Frank has also held, in a case of first impression, that a sentencing judge may grant a defendant work release on condition that the defendant turn his earnings over to his victim.

Finally, I think it worth mentioning that Frank was born in Czechoslovakia and left with his parents as a refugee from Nazi Germany. Following the communist takeover of their homeland, Frank's parents remained in the west, and the family came to the United States in 1947. Frank has

every reason to appreciate the free institutions which this country offers to its citizens. He has spoken of them, in Czech, over the Voice of America, and has done his best to protect them during unusually long working days on the Superior Court. On the Court of Appeals, he would use his considerable talent to decide cases fairly and, I think, wisely.

I asked Frank to furnish me with sufficient detail to enable me to write a letter to demonstrate that my support for him is not perfunctory nor the product of a personal or political friendship.

Sincerely,

cc: Steve Markman (DOJ)

The Honorable Robert H. Tuttle
Director of Presidential Personnel
Old Executive Office Building
17th St. & Pennsylvania Avenue
Room 153
Washington, D.C. 20500

STATEMENT OF
BIOGRAPHICAL AND FINANCIAL INFORMATION
FOR
Cheryl M. Long

A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names used)

Cheryl Marie Long

2. Position to which nominated:

Associate Judge, Superior Court of the District of Columbia

3. Date of nomination:

November 9, 1987.

4. Address: (List current place of residence and office addresses.)

379 O Street, S. W.
Washington, D. C. 20024
(Current Personal Residence)

Public Defender Service for
the District of Columbia
451 Indiana Avenue, N. W.
Washington, D. C. 20001
(Current Office Address)

5. Date and place of birth:

March 7, 1949
McKeesport, Pennsylvania

6. Marital status: (Include maiden name of wife or husband's name.)

Single

7. Names and ages of children:

I have no children.

8. **Education: List secondary and higher education institutions, dates attended, degree received and date degree granted.**

Calvin Coolidge High School
Washington, D. C.
High School Diploma received in June, 1967

Syracuse University
Syracuse, New York
Attended freshman year only, September, 1967, to May, 1968. Transferred directly to Georgetown University

Edmund A. Walsh School of Foreign Service
Georgetown University
Washington, D. C.
Attended from September, 1968, to May, 1971
B.S.F.S. Degree awarded in May, 1971

Georgetown University Law Center
Georgetown University
Washington, D. C.
Attended from August, 1971, to May, 1974
J.D. Degree Awarded in May, 1974

9. **Employment: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.**

June, 1972, to August, 1972 - Employed as a case investigator with the Prettyman Legal Internship Program at Georgetown Law Center. This program is a graduate degree course involving practical experience in criminal defense litigation and teaching responsibilities for each intern. Case investigators are assigned to serve subpoenas, take witness statements, etc.

September, 1972 to May, 1973 - Served as Research Assistant to Prof. Addison Bowman at Georgetown University Law Center, performing general legal research in criminal law issues.

June, 1973, to September, 1973 - Employed as a Law Clerk in the Education Section of the Civil Rights Division, United States Department of Justice, providing legal research to staff attorneys, assisting with depositions, etc.

September, 1973, to May, 1974 - Worked as a Research Assistant to Prof. Richard Chused, Georgetown University Law Center, assigned to do legal research in aid of the professor's course work.

August, 1974, to September, 1975 - Clerked for the Hon. Spottswood W. Robinson, III, on the United States Court of Appeals for the District of Columbia Circuit.

October 6, 1975, to August 6, 1982 - Served as an Assistant United States Attorney for the District of Columbia, working primarily as a prosecutor in the Superior Court and District Court Divisions and, ultimately, in the Civil Division.

August 9, 1982 to April 19, 1985 - Employed as a Trial Attorney in the Environmental Enforcement Section of the Division of Land and Natural Resources in the United States Department of Justice, Washington, D. C.

April 22, 1985, to present - Serving as Director of the Public Defender Service for the District of Columbia.

10. **Government experience:** **List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.**

(a) From the spring of 1985 to the present, I have served as a member of the Committee on Grievances of the United States District Court of the District of Columbia. This is a six-member group of local practitioners, all appointed by the District Court, to function as an investigative body to handle all complaints about members of the Bar of the District Court. The Committee investigates such complaints (e.g., violations of legal ethics, violations of court rules, etc.) and recommends to the District Court whatever disposition is appropriate. Recommendations may involve suggested findings that would support the imposition of reciprocal attorney discipline such as disbarment or suspension. As a

group, the Committee is to the Distrct Court what the Office of Bar Counsel is to the District of Columbia Court of Appeals.

(b) In my official capacity as Director of the Public Defender Service, I have participated in numerous organizations that are advisory to the local courts and the local government. I am currently a member of the Superior Court Sentencing Guidelines Commission and the Superior Court Advisory Committee on Rules of Criminal Procedure. In addition, during 1985 and 1986, I served as an ex officio member of the District of Columbia Correctional Facility Study Commission.

11. Business relationships: **List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.**

I am presently a member of the Georgetown University Law Alumni Board. This is a consultative group formed for the purpose of providing assistance to the school in such areas as professional networking with recent graduates, organizing substantive law seminars for local alumni, etc. I receive no remuneration or benefits whatsoever from my participation in this group.

12. Memberships: **List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.**

I am currently a member of the following bar associations:

The Washington Bar Association (Board Member)
The District of Columbia Bar
The Women's Bar Association of the District of Columbia
The Bar Association of the District of Columbia
The Federal Bar Association
The National Association of Black Women Attorneys

The Greater Washington Area Chapter of the
Women's Division of the National Bar Association
The Assistant U. S. Attorneys' Association

At the present time, I am a member of the followng charitable or civic organizations:

The Coalition of 100 Black Women of the D. C. Inc. (A tax-exempt, 501(c)(3) charity) (Parliamentarian)

The Senior Usher Board Number Two of Mt. Airy Baptist Church, Washington, D. C.

13. **Political affiliations and activities:**

(a) **List all offices with a political party which you have held or any public office for which you have been a candidate.**

(b) **List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.**

(c) **Itemize all political contributons to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more for the past 10 years.**

(a) I have never held office with a political party, nor have I ever been a candidate for public office.

(b) Although I am a registered Democrat, I have never rendered any service to the party or to any election committees.

(c) None.

14. **Honors and awards: List all scholarships, fellowhips, honorary degrees, honorary society memberships, military and any other service or achievements.**

In May, 1971, on the occasion of my college graduation, I was presented with the Ernst A. Feilchenfeld Award in International Law, as the most outstanding student of my class in International Law.

In 1976, I received the Backus Junior High School Bicentennial Alumni Award for excellence in law.

In 1987, I was presented with the Annual Alumni Achievement Award by the Georgetown Alumni Club of Metropolitan Washington.

15. **Published writings: List the titles, publishers, and dates of books, articles, reports or other published materials which you have written.**

I have published the following legal articles:

"Criminal Prosecution of Environmental Law: Semi-White Collar Crime," Federal Bar News & Journal (June, 1984)

"Probation Revocation," ABA Barrister Magazine (Summer, 1978)

16. **Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.**

None.

17. **Selection:**

(a) **Do you know why you were chosen for this nomination by the President?**

(b) **What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?**

(a) According to applicable law involving District of Columbia courts, the President of the United States is required to nominate one of three persons recommended by the District of Columbia Judicial Nomination Commission for each vacancy. Although the President has not informed me of why I was selected as opposed to the other two candidates, I presume that I was nominated because the President determined that I was the best qualified person for this position.

(b) I believe that the following facts concerning my background and professional experience affirmatively qualify me for nomination to the Superior Court of the District of Columbia.

Following my clerkship, I began my active litigation career as an Assistant United States Attorney for the District of Columbia. I served in nearly every section of that office but primarily in the criminal prosecution sections, assignments that required me to try cases in the Superior Court itself. I worked as a prosecutor, with my own caseload, in the Misdemeanor Trial Section, the Felony Trial Section and the Special Proceedings Unit. I prosecuted the full range of common law offenses in the local trial court. Moreover, as a member of the Special Proceedings Unit, I had the opportunity to represent Saint Elizabeths Hospital in a variety of mental health matters, both in Superior Court and the District Court. For example, the United States Attorney's Office routinely represents the Hospital when a Hospital physician petitions the Court to civilly commit a patient and where that patient demands a jury trial to determine whether such a commitment will be mandated. In the Unit, I also litigated collateral attack and habeas corpus cases. Within the United States Attorney's Office, I was assigned to the Appellate Division where I personally briefed and argued individual criminal cases before the District of Columbia Court of Appeals and the United States Court of Appeals for the District of Columbia Circuit. I also served as an Assistant in the Grand Jury Section of the Superior Court Division.

From January, 1980, to August, 1982, I was a member of the Civil Division of the United States Attorney's Office. My responsibilities included representation of federal agencies and federal officials sued as defendants in civil suits, involving judicial review of administrative rulings, Federal Tort Claims Act, government contracts, civil rights statutes, excecutive orders, constitutional issues, federal employment matters, and FOIA cases. As a trial attorney with an

individual caseload, I was responsible for writing all responsive pleadings, interviewing and deposing witnesses, conducting all discovery, examinantion and cross-examination of all witnesses at trial, writing and arguing substantive motions, including responses to petitions for temporary restraining orders and motions for preliminary injunctions. In addition, I continued to brief and argue civil appeals in the United States Court of Appeals for the District of Columbia Circuit. This experience is especially relevant and valuable to my role as a judge in Superior Court because our local trial court has general civil jurisdiction for myriad types of cases, including contracts, medical malpractice, employment disputes, etc.

At the United States Department of Justice, I was assigned to litigate referrals of civil enforcement matters, involving alleged violations of the various federal, environmental regulatory statutes. This experience gave me ample opportunity to deal with a wider variety of opposing counsel and judges in other jurisdictions. My last assignment was in the Environmental Crimes Unit, handling criminal investigations within this subspecialty of "white collar" crime.

As Director of the Public Defender Service, my official responsibilities place me in a position to learn the details of many issues affecting the local criminal justice system. My experience can be summarized as follows. The duties of the Director are to manage an agency that is equivalent to a law firm of 61 staff attorneys and 59 persons on the support staff. The Public Defender Service is an independent agency authorized by Congress to provide legal representation to indigent persons charged with crimes in both the federal and local courts of the District. The Director hires and supervises attorneys and other employees, prepares and presents the annual budget to the District of Columbia Council and the Congress, and performs various functions directed by the Board of Trustees. The Director has significant and ongoing interface with other agencies in the criminal justice system, such as the Board of Parole, the

Department of Corrections, etc. I have participated as a member of the Superior Court Sentencing Guidelines Commission, as well as the city-wide Correctional Facilities Study Commission (ex officio). Both entities required the input of judges, defense attorneys, prosecutors, and other professionals in the areas of probation, corrections, and court administration. The clear value of such activities is that I have been a part of the decision-making process affecting issues that have a direct impact on Superior Court and on the persons who come before that Court. Moreover, I have had a substantial exposure to the viewpoints and priorities of every component agency connected to the litigation of criminal cases. These officals and their agencies have come to know me on a personal level and in an atmosphere that is collegial and constructive. In the same manner, I have contributed regularly to the work of the Superior Court Arraignment Committee and the Advisory Committee on Rules of Criminal Procedure. Moreover, in constantly keeping abreast of relevant legislation enacted by Congress and the District of Columbia Council, I am familiar with the local legislative process. This is relevant and helpful, to the extent that judges are required to consider legislative intent and legislative history in interpreting statutes.

Finally, my professional activities have broadened my knowledge of the local bar in general. Since the mid to late 1970's, I have been active in all of the local bar associations, frequently being invited to participate in continuing legal education seminars. For example, for several years the Federal Bar Association has included me as a faculty member in the annual Federal Practice Institute. A typical form of participation, in my case, is to contribute as a seminar panel member on such subjects as discovery and civil procedure, as well as a person to critique moot court exercises. Within the District of Columbia Bar, I have served as a member of the Long Range Planning Committee and the Judicial Evaluation Committee. The second of these two committees regularly oversees a poll of bar members concerning

their opinions about the performance of local judges. The long-term value of participating in CLE activities and other bar committees is that lawyers are familiar with me on a personal level. I am well known to attorneys in both large and small firms, and among the civil and criminal law practitioners.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

Yes.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organizations?

No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government services?

No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

None.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

None.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

In my official capacity as Director of the Public Defender Service, my normal job duties include responding to requests for testimony on proposed legislation affecting the Public Defender Service or the court system. For example, the District of Columbia Council recently enacted an amendment to our agency statute, authorizing the Public Defender Service to perform additional litigation duties on behalf of District of Columbia inmates. At the request of the Committee on the Judiciary of the Council, I provided comments on the details of the proposed bill as a matter of assisting the Committee. I have never been engaged in influencing or commenting upon legislation, as a personal matter or on behalf of any other official entity.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

While I am not engaged in any special activities or transactions that pose a conflict of interest with a judicial position, there are certain steps that I believe I must take to avoid even the appearance of a conflict with

respect to certain routine matters. For example, because I am a depositor of both the American Security Bank and the Perpetual American Bank in the District of Columbia, I would be obliged to recuse myself from any Superior Court cases involving those financial institutions. Similarly, I would recuse myself from presiding over any court matters involving the cooperative where I reside (River Park Mutual Homes, Inc.) and my mortgage lender (Ronzetti Investment and Mortgage Corp.).

In addition and also for the purpose of avoiding even the appearance of impropriety, I plan to resign certain positions immediately upon Senate confirmation. I will resign my position as Parliamentarian of the Coalition of 100 Black Women of D. C., Inc. I will do this because the Coalition maintains a small scholarship program and because judges are prohibited from allowing their names to be used for fundraising purposes. I will resign my Board member position with the Washington Bar Association. Judges should not be directly affiliated with the policy-making arms of bar associations, so as not to be connected to bar association official endorsements of individuals or policy positions.

6. **Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?**

Yes.

D. LEGAL MATTERS

1. **Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.**

No.

2. **Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for**

violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

No.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

Additional favorable information that the Committee should consider is contained in attached copies of letters of endorsement submitted on my behalf to the President by various organizations. The attached letters are from (1) the National Association of Black Women Attorneys; (2) the Bar Association of the District of Columbia; (3) the Washington Bar Association; and several individual practitioners from such firms as Covington & Burling, Hunton & Williams and Jackson & Campbell.

E. FINANCIAL DATA

The information requested herein is provided under separate cover.

F. QUESTIONS CONCERNING STATUTORY QUALIFICATIONS PURSUANT TO DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURES ACT OF 1970, SEC. 11-1501(b) OF THE D. C. CODE AS AMENDED

1. Are you a citizen of the United States?

Yes.

2. Are you a member of the bar of the District of Columbia?

Yes.

3. Have you been a member of the District of Columbia bar for at least 5 years? (Give year in which you became a member.)

Yes. I was admitted on May 30, 1975.

4. If the Answer to No. 3 is "No" --

(a) Are you a professor of law in a law school in the District of Columbia?

(b) Are you an attorney employed in the District of Columbia by the United States or the District of Columbia?

(c) Have you been eligible for membership in the bar of the District of Columbia for at least 5 years?

(d) Upon what grounds is that eligibility based?

Not Applicable.

5. Are you a bona fide resident of the District of Columbia?

Yes.

6. Please state the addresses of your actual place of abode (including temporary residences) with dates of occupancy for the last 5 years.

From April 20, 1980 until September 25, 1986, I resided at 1250 Fourth Street, S. W., Apartment W-208, Washington, D. C. 20024.

From September 25, 1986 to the present, I have resided at 379 O Street, S. W., Washington, D. C. 20024.

7. Have you maintained an actual place of abode in such area for at least 5 years?

Yes.

8. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nomination Commission?

No.

9. Have you been a member of either Commission within the last 12 months?

No.

AFFIDAVIT

Cheryl M. Long, being duly sworn, hereby states that she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of her knowledge, current, accurate, and complete.

Cheryl M. Long

Subscribed and sworn before me this 4th day of November, 1987.

Deborah I. Creek
Notary Public, D.C.
My Commission Expires October 31, 1991

STATEMENT OF CONGRESSMAN WALTER E. FAUNTROY BEFORE
THE SUBCOMMITTEE ON GOVERNMENT EFFICIENCY AND
THE DISTRICT OF COLUMBIA IN BEHALF OF THE JUDICIAL NOMINATION
OF CHERYL M. LONG
342 Dirksen HOB
Friday, February 26, 1988 - 10:00 A.M.

MR. CHAIRMAN, I AM PLEASED TO INTRODUCE TO THE SUBCOMMITTEE CHERYL M. LONG, WHO WAS NOMINATED ON NOVEMBER 9, 1987 TO A VACANCY ON THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA. I TAKE THIS OPPORTUNITY TO ENLIGHTEN THE SUBCOMMITTEE ON MS. LONG'S QUALIFICATIONS FOR THE BENCH AS WELL AS HER SUBSTANTIAL PERSONAL TIES TO THE DISTRICT OF COLUMBIA.

ALTHOUGH SHE WAS BORN IN McKEESPORT, PENNSYLVANIA ON MARCH 7, 1949, MS. LONG HAS LIVED IN THE DISTRICT OF COLUMBIA SINCE EARLY CHILDHOOD. SHE GREW UP IN THE MICHIGAN PARK SECTION OF NORTHEAST WASHINGTON, ATTENDING BUNKER HILL ELEMENTARY SCHOOL, TAFT AND BACKUS JUNIOR HIGH SCHOOLS. SHE GRADUATED FROM CALVIN COOLIDGE HIGH SCHOOL IN 1967. MS. LONG RECEIVED HER UNDERGRADUATE AND LAW DEGREES FROM GEORGETOWN UNIVERSITY AND WAS THE FIRST BLACK WOMAN TO ATTEND THE PRESTIGIOUS EDMUND A. WALSH SCHOOL OF FOREIGN SERVICE AT GEORGETOWN.

UPON HER GRADUATION FROM LAW SCHOOL IN 1974, MS. LONG WAS A CLERK FOR THE HONORABLE SPOTTSWOOD W. ROBINSON, III ON THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT. SHE WAS HIRED IN 1975 AS AN ASSISTANT UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA, SERVING AS A PROSECUTOR IN THE FEDERAL AND LOCAL COURTS UNTIL LATE 1979. FROM THAT TIME UNTIL AUGUST, 1982, SHE WAS AN ATTORNEY IN THE CIVIL DIVISION OF THE UNITED STATES ATTORNEY'S OFFICE, HANDLING DEFENSIVE LITIGATION, ON BEHALF OF MANY FEDERAL AGENCIES. HER CIVIL TRIAL EXPERIENCE INCLUDED CASES INVOLVING TORTS, CONTRACTS, INJUNCTIVE RELIEF, AND ADMINISTRATIVE LAW.

MS. LONG GAINED FURTHER EXPERIENCE IN MORE COMPLEX LITIGATION WHILE EMPLOYED FROM 1982 - TO 1985 AS A STAFF ATTORNEY IN THE DIVISION OF LAND AND NATURAL RESOURCES AT THE DEPARTMENT OF JUSTICE. HER RESPONSIBILITIES THERE INCLUDED THE PROSECUTION OF "WHITE COLLAR" CRIMINAL CASES BASED UPON VIOLATIONS OF VARIOUS ENVIRONMENTAL STATUTES. SHE ALSO HANDLED CIVIL CASES ON BEHALF OF THE ENVIRONMENTAL PROTECTION AGENCY, ENFORCING THE "SUPERFUND" ACT, THE CLEAN WATER ACT, AND RELATED STATUTES.

IN THE SPRING OF 1985, THE BOARD OF TRUSTEES OF THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA APPOINTED CHERYL LONG TO BE THE AGENCY'S NEW DIRECTOR. THIS AGENCY WAS ESTABLISHED BY CONGRESS IN 1970, TO PROVIDE LEGAL REPRESENTATION TO INDIGENT PERSONS CHARGED WITH OFFENSES IN THE COURTS OF THE DISTRICT OF COLUMBIA. IT IS WIDELY RECOGNIZED AS THE FINEST PUBLIC DEFENDER OFFICE IN THE UNITED STATES. UPON HER APPOINTMENT, MS. LONG BECAME THE FIRST BLACK WOMAN TO HEAD A PUBLIC DEFENDER OFFICE IN ANY MAJOR AMERICAN CITY. AS THE DIRECTOR, MS. LONG OVERSEES THE EQUIVALENT OF A LAW FIRM OF 61 ATTORNEYS AND 62 SUPPORT STAFF, SERVING THOUSANDS OF CLIENTS EACH YEAR. HER TENURE AS PUBLIC DEFENDER HAS PROVIDED MS. LONG WITH OPPORTUNITIES TO OBSERVE ISSUES THAT AFFECT THE ENTIRE COURT SYSTEM. FOR EXAMPLE, SHE HAS SERVED AS A MEMBER OF THE SUPERIOR COURT SENTENCING GUIDELINES COMMISSION AND AN INTER-AGENCY TASK FORCE ON AIDS ISSUES IN THE COURTS.

MS. LONG'S CAREER IS A UNIQUE COMBINATION OF TRIAL AND APPELLATE EXPERIENCE AND EXPOSURE TO MANY TYPES OF LITIGATION. THROUGHOUT HER CAREER, MS. LONG HAS BEEN ACTIVE IN MANY BAR ASSOCIATIONS, AS DEMONSTRATED BY THE BROAD SUPPORT THAT SHE HAS RECEIVED FROM ALL SEGMENTS OF

THE LEGAL COMMUNITY DURING THE NOMINATION PROCESS. OVER THE YEARS, MS. LONG HAS BEEN HONORED FOR HER ACCOMPLISHMENTS BY OTHER CITIZENS IN THE DISTRICT OF COLUMBIA. FOR EXAMPLE, THE GEORGETOWN UNIVERSITY ALUMNI CLUB OF METROPOLITAN WASHINGTON PRESENTED HER WITH AN AWARD IN 1986 AS ITS OUTSTANDING GRADUATE FOR THAT YEAR.

IN ADDITION TO HER ACTIVITIES WITHIN THE BAR, MS. LONG HAS DEVOTED PERSONAL TIME TO COMMUNITY PROJECTS AND PROGRAMS DURING HER SERVICE AS PUBLIC DEFENDER. SHE HAS PARTICIPATED IN NUMEROUS COMMUNITY ASSEMBLIES ON CRIMINAL JUSTICE ISSUES AND SUPPORTS THE PUBLIC SERVICE PROJECTS OF VARIOUS CHARITABLE ORGANIZATIONS. WHEN THE DISTRICT OF COLUMBIA YOUTH ORCHESTRA CELEBRATED ITS 25TH ANNIVERSARY IN 1985, MS. LONG WAS ONE OF THE RETURNING ALUMNI WHO PERFORMED WITH THE GRADUATE ORCHESTRA AT KENNEDY CENTER TO HONOR THE ORCHESTRA'S LONGEVITY AND THE OPPORTUNITIES IT HAS PROVIDED TO OUR YOUNG PEOPLE.

ON A MORE PERSONAL NOTE, MS. LONG IS THE OLDEST DAUGHTER OF THE LATE DR. CLARENCE M. LONG, JR., WHO WAS FOR MANY YEARS THE PASTOR OF MT. AIRY BAPTIST CHURCH IN THE DISTRICT OF COLUMBIA. DR. LONG WAS A NOTED PREACHER AND A COMMUNITY LEADER WHO WAS WIDELY RESPECTED THROUGHOUT THE DISTRICT OF COLUMBIA. THE ENTIRE LONG FAMILY REMAINS CLOSE TO THE CLERGY AND MS. LONG HERSELF CONTINUES TO BE ACTIVE IN HER CHURCH CONGREGATION.

MR. CHAIRMAN, THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA IS A VERY BUSY COURT AND A COURT WITH THE BROADEST POSSIBLE RANGE OF CASES BEING TRIED ON A DAILY BASIS. I AM PLEASED TO INTRODUCE AND COMMEND TO YOUR CONSIDERATION A CITIZEN WHO IS ESPECIALLY WELL QUALIFIED TO BE CONFIRMED FOR THIS JUDICIAL POSITION.

THE BAR ASSOCIATION
OF THE
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RANDALL W. SCOTT, Esq.
Executive Director

October 1, 1987

The Honorable Jay D. Stevens
Deputy Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20050

Re: Cheryl Long, Esquire

Dear Mr. Stevens:

The Bar Association of the District of Columbia is pleased to support and recommend the nomination of Cheryl Long, Esquire, as an Associate Judge on the Superior Court of the District of Columbia. In its membership, the Bar Association has many members involved in local litigation, appearing frequently in our Superior Court. We are particularly concerned about the quality of judicial appointments to that Court.

Our Judicial Nominating Committee and the Board of Directors are impressed with Ms. Long's professional career, particularly her involvement in litigation and her familiarity with the Superior Court of the District of Columbia.

We urge her appointment and ask that her nomination be given favorable consideration.

Very truly yours,

David F. Grimaldi

DFG/dld

bcc: Cheryl B. Long, Esquire

THE WASHINGTON BAR ASSOCIATION

P.O. BOX 56551 • WASHINGTON, D.C. 20040 • (202) 289 4247

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October 13, 1987

The President
The White House
Washington, D.C. 20500

RE: Cheryl M. Long
Judicial Candidate

My dear Mr. President:

On behalf of the Washington Bar Association, I urge you to nominate Cheryl M. Long, Esquire to the Superior Court of the District of Columbia. Ms. Long has been a member of the Washington Bar Association and has served on our Board for many years. We believe her uniquely qualified to serve on the Superior Court. Cheryl Long's experience and background reflect the career of an attorney who is exceptionally well qualified for this Bench.

For nearly seven years, Ms. Long served with distinction as an Assistant United States Attorney for the District of Columbia, working in almost every section and division of that Office. This experience provided her with a solid knowledge of both trial and appellate procedure, as well as, torts, contracts, criminal law, employment matters, petitions for injunctive relief and extraordinary remedies. Her tenure as a federal prosecutor, was marked by professional success in and out of the courtroom.

Cheryl Long is a rare candidate whose career has included a unique combination of responsibilities. She served with distinction as a prosecutor and as the Public Defender for the District of Columbia. Ms. Long understands the roles of government and defense counsel and the importance of forthright, well-prepared and thorough advocacy.

In a modern court, it is important that individual judges be able to contribute to the efficient functioning of the court as an institution, beyond merely presiding over trials. Cheryl Long's

administrative experience will be invaluable to the Superior Court. As chief executive officer of an independent agency, she supervises a staff of more than 120, 60 of whom are attorneys and manages a Congressionally appropriated budget of several million dollars. Ms. Long is accountable to the Board of Trustees, District of Columbia Council, Congress, the agency's clients and the public at large; a responsibility that she meets with proficiency.

The Superior and District Courts of the District of Columbia have demonstrated their confidence in Ms. Long's abilities by appointing her to serve as a member of crucial commissions and committees. Ms. Long is currently an active member of the District Court's Committee on Grievances, the Superior Court's Sentencing Guidelines Commission, Advisory Committee on Criminal Rules and Arraignment Committee.

In addition to her service to the courts, Ms. Long is an member of the Interagency Task Force on AIDS and the advisory committee to select a candidate for the position of Chief Medical Examiner for the District of Columbia. She has also been involved in many important projects with the Bar. She served as a member of the District of Columbia Bar's Judicial Evaluation Committee and its Long-Range Planning Committee and has participated as a faculty member in countless legal educational seminars and courses sponsored by the D.C., Washington and Federal Bar Associations.

Ms. Long's professional activities have afforded her the opportunity to work closely with the Judiciary, attorneys from all segments of the Bar and members of the Executive Branch of the government. We believe her service demonstrates her contribution to excellence in the legal community.

Ms. Long is a well respected member of this Bar. She is an extremely well-rounded attorney with vast experience in the law. We are confident that, if appointed, she will ably serve the citizens of the District of Columbia. The Washington Bar Association strongly endorses Cheryl M. Long and we urge you to nominate her to the Superior Court of the District of Columbia.

Very truly yours,

Nathaniel H. Speights,
President

NHS/cb

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OF COUNSEL

September 29, 1987

BY HAND

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

I write to express my enthusiastic support for Ms. Cheryl Long as a candidate for appointment to the Superior Court of the District of Columbia.

As a partner in this law firm since 1970, a member of the Bar since 1961, and a full-time litigator, I believe I have developed some sense of what it takes to be an effective judge: Legal ability, conscientiousness, integrity, compassion, dedication to the principles of justice under law, and that elusive quality -- judicial temperament.

It was my pleasure to know Ms. Long when we served together on the Judicial Evaluation Committee of the Bar, which I chaired for several years. During that time, I became convinced that she possessed the qualities that make for a good judge and hoped that some day she would be nominated. I am glad to learn that the process has put her name before you.

Very respectfully yours,

John Vanderstar

jlf

cc Ms. Cheryl Long

NATIONAL ASSOCIATION OF BLACK WOMEN ATTORNEYS, INC.
Office of the President
MABEL D. HADEN, ESQ.
[illegible]
3711 Macomb Street,NW
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Washington, D.C.

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5th October, 1987

President Ronald Reagan,
The White House,
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500.

Re: Cheryl M. Long
D.C. Superior Court Candidate

Dear President Reagan,

I write in support of Cheryl M. Long, who is a candidate for nomination to a vacancy on the Superior Court of the District of Columbia. Ms. Long is a member of the National Association of Black Women Attorneys and, as President of the Association, I strongly endorse her. Headquartered in Washington, D.C., our organization represents Black female attorneys in every part of the United States. Our members are well aware of the needs and progress of the local courts of the District of Columbia. Such local appointments do not go unnoticed by our national membership. Ms. Long is known to the Association, not only as an individual member, but as a Black woman lawyer who has developed a significant and substantive legal career that well qualifies her for an appointment to the Bench.

Undoubtedly, the informational file provided to you concerning Ms. Long is replete with many other endorsements and a wealth of detail about her legal experience, community service, and Bar affiliations. Without repeating all such basic data, I take this opportunity to highlight those qualities that are of particular interest to our Association.

(Cont'd)

First, Cheryl M. Long has achieved success in the very types of legal positions that were once closed to Black lawyers in general and Black women in particular. For many years, she served as a prosecutor in the United States Attorney's Office for the District of Columbia. Until her appointment as an Assistant United States Attorney in 1975, scarcely a handful of Black women had ever been chosen to work in that Office. Likewise, she was one of the very few Black women ever selected to work in the Division of Land and Natural Resources at the Department of Justice. During her tenure with the Department, she was selected to serve on the Advisory Committee of the Federal Women's Program. This is an indication of the reputation for integrity and ability that she enjoyed among colleagues and officials of the Department. More recently, when Ms. Long was appointed to be the Director of the Public Defender Service in 1985, she became the very first Black woman to serve as a chief Public Defender in any major American city, and quite possibly she was the first Black female to hold such a post anywhere. This is doubly significant because the Public Defender Service is traditionally nonpolitical and is subject to oversight by a Board of Trustees composed of notable members of the Bar, high officials in academia, and prominent businessmen.

Second, Ms. Long's solid background in public service is ample evidence of her ability to understand both sides of the criminal trial process, as well as the intimate workings of the entire court system. I note that her training and experience has included both trial work and appellate work It is often said among litigators that few talented trial lawyers are not also effective appellate lawyers, and vice versa.

Third, one of the most important attributes of a judge is that such a person have a clear and candid understanding of the importance of civility and decorum. Ms. Long clerked for the Hon. Spottswood W. Robinson, III on the United States Court of Appeals for the District of Columbia Circuit. In this environment, she was able to learn the critical value of working in a collegial atmosphere with other members of the Court. Moreoever, her personal style and reputation withi the legal profession is impeccable. She would bring to the Bench the type of dignity that would be appreciated by attorneys and fellow judges.

(Cont'd)

Fourth, Ms. Long's comprehensive experience has enabled her to understand the practical relationships between and among the three branches of government. She would be a judge of independence and integrity, who would operate with due regard for the proper role of the judiciary and the grave responsibilities involved in interpreting the law.

Finally, we stress that Cheryl M. Long has the professional background that is particularly appropriate for a court of general jurisdiction. She has experience in civil litigation as well as criminal law because of her responsibilities in the Civil Division of the United States Attorney's Office. She has been involved in the legal and administrative details of government, but is also deeply familiar with the concerns of the private bar and the local community. This is reflected in her extensive record of bar association activities and her achievements on a personal level within her church and charitable endeavors.

We know that the District of Columbia courts are undergoing a period of genuine growth. Caseloads are soaring in both the Superior Court and the Court of Appeals. Because of the current age range of judges in the local courts, few natural vacancies will occur in the next several years. Judges who are added to the Bench at this time must be individuals, such as Cheryl Long, who can contribute to the court on a longterm basis. Other opportunities to shape the courts through effective appointments will not recur for a substantial period of time.

As President of the United States, you should be sensitive to the fact that minority women simply do not receive the recognition that is more typically accorded White women and even minority males. It is imperative that Black women of character and experience be nominated to the Bench and that all District of Columbia citizens have the full benefit of their talent. The nomination of Cheryl M. Long would send a message across the nation that Black women of distinction are receiving due recognition by your Administration.

(Cont'd)

(4)

We support the selection of Cheryl M. Long and we urge you to communicate this nomination to the Senate as quickly as possible.

Yours truly,

Mabel D. Haden

Mabel D. Haden, Esq.
President.

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October 5, 1987

FILE NO.

DIRECT DIAL NO. 202 955 1570

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

I am writing to urge you to appoint Cheryl M. Long to become an Associate Judge of the Superior Court of the District of Columbia. I have known Ms. Long since 1976, when we were both members of the U.S. Attorney's Office for the District of Columbia. We worked together closely for several years, and we have followed the other's career since we both left that office.

In my opinion, Ms. Long would be an excellent selection to serve as a Judge on the Superior Court. She would bring a combination of superior intelligence, impressive organization, and the ability to work with different kinds of people to that position. She certainly has the right temperament, and she has always impressed me as an exceedingly fair and kind individual.

Although the other candidates are also impressive, it seems clear to me that Ms. Long is the superior choice. I strongly recommend that you appoint her.

Very truly yours,

Richard W. Goldman

RWG/arg

bcc: Cheryl M. Long, Esq.
379 O Street, S.W.
Washington, D.C. 20024

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DIRECT DIAL NUMBER
457-1612

September 30, 1987

PUBLIC DEFENDER SERVICE
RECEIVED
OCT 5 1987
CHERYL M. LONG DIRECTOR

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

The Judicial Nomination Commission for the District of Columbia has recently submitted the name of Cheryl M. Long for your consideration in filling the vacancy on the Superior Court of the District of Columbia created by the retirement of Judge Smith.

I strongly recommend that Ms. Long be appointed to the Superior Court. My substantial professional and personal association with Ms. Long began in approximately 1975, when we worked together as Assistant United States Attorneys for the District of Columbia. Thereafter, we worked together in the Assistant United States Attorneys Association of D.C. and the Women's Bar Association of D.C. Most recently, in my capacity as a member of the D.C. Bar Board of Governors from 1983 through 1987, I had the opportunity to participate in considering Ms. Long for appointment to various important D.C. Bar committees.

Ms. Long's extensive experience in both civil and criminal trial work make her eminently qualified for a position on the Superior Court. Moreover, Ms. Long is exceptionally well qualified for judicial service in terms of temperment, demeanor, and dedication. Finally, her varied professional activities demonstrate the well-rounded nature of her professional career, as well as the high regard in which she is held by her colleagues and the federal and local judges in the District of Columbia.

While I have been in private practice for five years, I previously was an attorney with the Federal Government for 12 years. I am now a member of a medium sized general practice firm with a substantial federal and local litigation practice. I have also served extensively in professional organizations, including terms as President of the Women's Bar Association and the Assistant United States Attorneys Association of D.C.; and membership on the Governing Boards of both the D.C. Bar and the Bar Association of the District of Columbia, as well as in the American Bar Association House of Delegates.

It is therefore with a sense of confidence that I advise you that Ms. Long would be a superb choice for Superior Court Judge. The individuals you have appointed to the Superior Court Bench have consistently been of high caliber. The appointment of Ms. Long would continue that record.

Respectfully yours,

M. Elizabeth Medaglia

M. Elizabeth Medaglia

MEM/sg

bcc: Ms. Long
Ms. Gurne